

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rachel Buhner	Team: Squad #16	CCRB Case #: 201406989	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 07/05/2014 6:45 PM, Sunday, 07/06/2014	Location of Incident: In the vicinity of 2038 Plainview Avenue; the 101st Precinct stationhouse	Precinct: 101	18 Mo. SOL 1/5/2016	EO SOL 1/5/2016	
Date/Time CV Reported Sun, 07/06/2014 8:54 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 07/14/2014 8:51 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Ronald Luparello	06400	916088	NARCBQN
2. DT3 Jason Jones	06496	940316	NARCBQN
3. LT Emile Provencher	00000	918182	NARCB BX
4. DT3 Andres Mejia	5960	942184	NARCBQN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Ronald Luparello	Abuse: On July 5, 2014, in the vicinity of 2038 Plainview Avenue in Queens, Det. Ronald Luparello facilitated the stop of § 87(2)(b) and an individual.	
B.DT3 Andres Mejia	Force: On July 5, 2014, in the vicinity of 2038 Plainview Avenue in Queens, Det. Andres Mejia pointed his gun at § 87(2)(b)	
C.DT3 Ronald Luparello	Force: On July 5, 2014, in the vicinity of 2038 Plainview Avenue in Queens, Det. Ronald Luparello pointed his gun at § 87(2)(b)	
D.DT3 Ronald Luparello	Discourtesy: On July 5, 2014, in the vicinity of 2038 Plainview Avenue in Queens, Det. Ronald Luparello spoke rudely to § 87(2)(b)	
E.DT3 Ronald Luparello	Abuse: On July 5, 2014, in the vicinity of 2038 Plainview Avenue in Queens, Det. Ronald Luparello searched § 87(2)(b)	
F.DT3 Ronald Luparello	Discourtesy: On July 6, 2014, inside the 101st Precinct stationhouse, Det. Ronald Luparello spoke rudely to § 87(2)(b)	
G.DT3 Ronald Luparello	Discourtesy: On July 6, 2014, inside the 101st Precinct stationhouse, Det. Ronald Luparello spoke rudely to § 87(2)(b)	
H.DT3 Ronald Luparello	Off. Language: On July 6, 2014, inside the 101st Precinct stationhouse, Det. Ronald Luparello made an offensive remark based on § 87(2)(b)'s perceived economic status.	
I.DT3 Jason Jones	Discourtesy: On July 6, 2014, inside the 101st Precinct stationhouse, Det. Jason Jones spoke rudely to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

Case Summary

On July 5, 2014 at approximately 5 p.m. in the vicinity of 2038 Plainview Avenue in Queens, § 87(2)(b) was stopped after Det. Ronald Luparello allegedly witnessed him engage in a hand to hand drug transaction. According to § 87(2)(b) Det. Luparello, along with Det. Andres Mejia, emerged from an unmarked car and stopped § 87(2)(b) (**Allegation A**) with their guns drawn and pointed at his face (**Allegation B and Allegation C**). Det. Luparello allegedly shouted, “Freeze motherfucker” (**Allegation D**), and § 87(2)(b) stopped and put his hands in the air. § 87(2)(b) asked multiple times why he was stopped, and Det. Luparello allegedly responded, “Shut the fuck up”, and, “I do what the fuck I want to do”, and used various other profanities at the location (**within Allegation D**). While his hands were still in the air, Det. Luparello allegedly entered § 87(2)(b) s pockets and removed his wallet, as well as a pack of cigarettes (**Allegation E**). Det. Luparello then placed § 87(2)(b) in handcuffs, and he was transported to the 101st Precinct stationhouse by the prisoner van.

While Det. Luparello and Det. Mejia were interacting with § 87(2)(b) Lt. Provencher attempted to locate the other individual who participated in the alleged hand to hand transaction. Lt. Provencher stopped an individual to discuss the observation (**within Allegation A**). Ultimately, however, Lt. Provencher determined that the individual was panhandling, and not participating in any criminal activities.

§ 87(2)(b) was allegedly driven in the van for approximately seven hours. When he asked to be taken to the stationhouse, the driver radioed to Det. Luparello, who § 87(2)(b) allegedly heard respond, “Nah, fuck that, keep him” (**Allegation D**). Det. Luparello also allegedly directed numerous profanities towards § 87(2)(b) while he was inside the stationhouse (**Allegation F**). Additionally, while in the stationhouse, § 87(2)(b) alleged that Det. Luparello said to § 87(2)(b) s sister: “You ain’t no fucking attorney, lookin’ like that, dressed like that, dressed all ghetto” (**Allegation G and Allegation H**).

When Det. Jason Jones transported § 87(2)(b) to § 87(2)(b) Central Booking, he allegedly used discourteous language with § 87(2)(b) In reference to his charges, Det. Jones allegedly told § 87(2)(b) “Yo, he’s fucking you”, that the situation was “fucked up” and “bullshit”, and that Det. Luparello did “this shit” because of the situation with § 87(2)(b) at the stationhouse (**Allegation I**).

Mediation, Civil and Criminal Histories

- On April 7, 2015, a Notice of Claim inquiry was submitted to the New York City Office of the Comptroller, and the result will be added to the case file when received. (encl. 7G).
- As a result of the arrest, neither § 87(2)(b) nor § 87(2)(b) were offered mediation.
- § 87(2)(c), § 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (encl. 1G-1H).
- Det. Luparello has been a member of the NYPD for 19 years, has had 13 previous cases involving 23 allegations with no substantiated allegations. He has three previous allegations involving discourtesies, two involving the search of a person, and one allegation of a gun drawn (encl. 1A-1B).
- Lt. Provencher has been a member of the NYPD for 18 years, has had 13 previous cases involving 32 allegations with multiple substantiated allegations. § 87(2)(g), § 87(4-b)

§ 87(2)(b) (encl. 1C-1E).

- Det. Mejia has been a member of the NYPD for eight years, has had three previous cases involving four allegations with no substantiated allegations. § 87(2)(g) § 87(2)(b) (encl. 1F).

Allegations Not Pleaded

- Although Lt. Provencher stopped an individual, and Det. Mejia participated in the stop of § 87(2)(b) § 87(2)(b) both encounters were a direct result of information provided to them by Det. Luparello. Therefore, both stops will be pled against Det. Luparello, since he made the initial observation of the alleged hand to hand drug transaction, and informed the other officers.
- Similarly, the subsequent search of § 87(2)(b) and the request to look inside his cigarette box was based on the information provided to Det. Mejia by Det. Luparello. Therefore, the search of § 87(2)(b) § 87(2)(b) will be pled against Det. Luparello for the same reasons as cited above.

Police Documents

- According to the property voucher, § 87(2)(b) was found with crack cocaine in a plastic twist bag, and it was located inside of a Newport cigarette box (encl. 4D).
- On § 87(2)(b)'s arrest report, the location of the incident is listed as "opposite 2038 Plainview Avenue". § 87(2)(b) § 87(2)(b)

Potential Issues

- Although § 87(2)(b) alleged that he was initially stopped by four officers, the investigation determined that two officers, Det. Luparello and Det. Mejia, conducted the initial stop, and that although Lt. Provencher arrived later, there was never a fourth officer on scene.
- Additionally, the location of the stop is in dispute. However, all three officers, as well as the arrest report, indicated that the stop occurred in the vicinity of 2038 Plainview Avenue. Therefore, the investigation will refer the aforementioned address as the incident location.
- The individual stopped by Lt. Provencher could not be identified, due to a lack of documentation.

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Finding and Recommendations

Explanation of Subject Officer Identification

- § 87(2)(b) provided the name of his arresting officer as Det. "Lupaprew", and his arresting officer was Det. Luparello. On that date, his partners were Lt. Provencher and Det. Mejia. All three officers acknowledged either interacting with or observing § 87(2)(b) in their CCRB statements.
- Although § 87(2)(b) alleged that four officers initially stopped him with their guns drawn and pointed, the investigation determined that two officers, Det. Luparello, and Det. Mejia, were the only officers to initially stop § 87(2)(b) as Lt. Provencher was attempting to locate the second individual involved in the alleged hand to hand drug transaction. The investigation also determined that there was no fourth officer present at any point during the initial interaction.

Allegation A—Abuse of Authority: On July 5, 2014, in the vicinity of 2038 Plainview Avenue in Queens, Det. Ronald Luparello facilitated the stop of § 87(2)(b) and an individual.

§ 87(2)(b) testified that he was walking in the vicinity of Davies Road and Caffrey Avenue in Queens, from his godmother's house, which he did not know the address of, and his mother's house, located at § 87(2)(b), when he heard a car pull up behind him. Four plainclothes officers emerged and immediately surrounded him with their guns drawn and pointed at his face. PO Luparello shouted, "Freeze motherfucker", and § 87(2)(b) immediately put his hands in the air, stopped walking, and began talking with Det. Mejia and Det. Luparello.

While § 87(2)(b) was being stopped, Lt. Provencher left the vehicle in pursuit of the second individual involved in the hand to hand transaction. He observed the individual walking in the opposite direction, and eventually caught up to and spoke with him. Lt. Provencher asked him what he was doing, and he replied that he was begging for change, and showed Lt. Provencher a handful of coins. This response was sufficient for Lt. Provencher, and he determined that he was not involved in any criminality. Lt. Provencher did not prepare a UF-250, because he stated that the individual was not forcibly stopped.

[illegible]

Allegation B — Force: On July 5, 2014, in the vicinity of 2038 Plainview Avenue in Queens, Det. Andres Mejia pointed his gun at § 87(2)(b)

Allegation C – Force: On July 5, 2014, in the vicinity of 2038 Plainview Avenue in Queens, Det. Ronald Luparello pointed his gun at § 87(2)(b)

As is stated above, § 87(2)(b) alleged that four plainclothes officers emerged from an unmarked vehicle, although the investigation determined only two officers, Det. Luparello and Det. Mejia, conducted the stop. § 87(2)(b) further stated that the officers immediately surrounded him with their guns drawn and pointed at his face. § 87(2)(b) did not make this allegation in his original complaint or during his phone statement (encl. 2A-2E), and it was only alleged during his sworn testimony at the CCRB.

Both Det. Mejia and Det. Luparello explicitly denied having their guns drawn or pointed when they stopped § 87(2)(b). Det. Mejia stated that § 87(2)(b)'s demeanor was calm, and that there was no difficulty in stopping him or placing him in handcuffs. He also stated that the only observation the officers made prior to stopping § 87(2)(b) was the hand to hand transaction.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

Allegation D—Discourtesy: On July 5, 2014, in the vicinity of 2038 Plainview Avenue in Queens, Det. Ronald Luparello spoke rudely to § 87(2)(b)

It remains in dispute if Det. Luparello spoke rudely to § 87(2)(b) either in the vicinity of 2038 Plainview Avenue in Queens.

While in the vicinity of 2038 Plainview Avenue, § 87(2)(b) alleged that Det. Luparello told him to, “Freeze motherfucker”, “I do the fuck I wanna do”, and “You’re on fucking probation”. While § 87(2)(b) was in the prisoner van, he alleged that upon his request to be taken to the stationhouse, Det. Luparello responded, over the radio, “Nah, fuck that, keep him”.

Det. Luparello denied using profanity when interacting with § 87(2)(b) in the vicinity of 2038 Plainview Avenue. He denied all the specific comments alleged by § 87(2)(b) as well as stated that throughout the duration of the incident, he did not use any profanity whatsoever when speaking with § 87(2)(b). Lt. Provencher did not overhear Det. Luparello use any profanity with § 87(2)(b) in the vicinity of 2038 Plainview Avenue, and Det. Mejia corroborated his testimony.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation E—Abuse of Authority: On July 5, 2014, in the vicinity of 2038 Plainview Avenue in Queens, Det. Ronald Luparello searched § 87(2)(b)

§ 87(2)(b) alleged that upon being asked to provide his identification, he removed his wallet from his pants, at which point Det. Luparello took it out of his hand. Det. Luparello then went through it, and pulled out a paper which indicated that § 87(2)(b) was on probation. Det. Luparello then frisked § 87(2)(b).

§ 87(2)(b) as well as searched his pockets. From his left front pants pocket, Det. Luparello removed a pack of cigarettes, which were identified by him as “bootleg”. § 87(2)(b) stated that he was arrested due to his probation status, as well as the “bootleg” cigarettes”.

Det. Luparello testified that he did search § 87(2)(b) but due to his poor recollection of the incident, and the fact that he did not recall why § 87(2)(b) was stopped, he could not indicate when the search was conducted. Furthermore, Det. Luparello was also unable to provide any specific details regarding the search, such as where § 87(2)(b) was searched or what was recovered. Det. Luparello was aware that § 87(2)(b) was arrested for possession of crack cocaine, but only because he read it on § 87(2)(b)'s arrest report. However, he did state that it was “quite possible” that he searched § 87(2)(b)'s wallet at the incident location.

In his statement, Det. Mejia indicated that upon approaching § 87(2)(b) he had a box of cigarettes in his hand, and Det. Mejia asked if he could look inside. § 87(2)(b) gave the box to Det. Mejia, who opened it. However, he then passed the box to Det. Luparello, who made the observation of the crack cocaine inside.

In order to search a person, an officer must have probable cause that the person has committed a crime. People v. De Bour, 40 N.Y.2d 210 (1976).

§ 87(2)(g)
[REDACTED]

[REDACTED]

Allegation F—Discourtesy: On July 6, 2014, inside the 101st Precinct stationhouse, Det. Ronald Luparello spoke rudely to § 87(2)(b)

While at the 101st Precinct stationhouse and after § 87(2)(b) had arrived, § 87(2)(b) alleged that Det. Luparello said to him that “His ass was going to jail”, and “Oh you got your sister in here, trying to see her, I’m gonna fuck you like I’m gonna fuck her. However, while § 87(2)(b) corroborated that she heard Det. Luparello direct the word “fuck” at § 87(2)(b) on numerous occasions, she could not state explicitly what was said, or elaborate beyond overhearing the word “fuck” uttered by Det. Luparello multiple times.

Det. Luparello denied all the specific comments alleged by § 87(2)(b) as well as stated that throughout the duration of the incident, both at the initial location and at the stationhouse, he did not use any profanity whatsoever when speaking with § 87(2)(b) Det. Jones, Det. Mejia and Lt. Provencher also testified that they did not overhear Det. Luparello use any profanity with § 87(2)(b)

According to Patrol Guide Procedure 203-09 (encl. 0W), officers must be courteous and respectful when interacting with civilians.

§ 87(2)(g)

Allegation G— Discourtesy: On July 6, 2014, inside the 101st Precinct stationhouse, Det. Ronald Luparello spoke rudely to § 87(2)(b)

Allegation H—Offensive Language: On July 6, 2014, in the 101st Precinct stationhouse, Det. Ronald Luparello made an offensive remark based on § 87(2)(b)'s perceived economic status.

After § 87(2)(b) arrived at the 101st Precinct stationhouse, § 87(2)(b) alleged that he overheard Det. Luparello say to her, “You ain’t no fucking attorney, lookin’ like that, dressed like that, dressed all ghetto”. However, in her testimony, § 87(2)(b) stated that while she heard Det. Luparello use profanity with § 87(2)(b) he never directed any profanity towards her, nor made any comments regarding her appearance or perceived economic status. She did testify that Det. Luparello did not believe she was an attorney, but did not state that he based this conclusion on her appearance.

In his statement, Det. Luparello denied calling § 87(2)(b) “ghetto”, and stated that he did not use any profanity towards § 87(2)(b) while she was at the stationhouse. Neither Det. Meija nor Lt. Provencher interacted with § 87(2)(b) at the stationhouse, and neither overheard Det. Luparello make any comments of that nature.

§ 87(2)(g)

Allegation I— Discourtesy: On July 6, 2014, inside the 101st Precinct stationhouse, Det. Jason Jones spoke rudely to § 87(2)(b)

It remains in dispute if Det. Jones spoke rudely to § 87(2)(b) inside the 101st Precinct stationhouse.

According to § 87(2)(b) when he was getting ready to be transported to Queens Central Booking, he had a conversation with Det. Jones regarding his charges. Det. Jones said to § 87(2)(b) “Yo, he’s fucking you”, in regards to the charges handed down by Det. Luparello. Det. Jones also told § 87(2)(b) that it was “fucked up”, that they did “this shit” to him because of § 87(2)(b)'s presence at the stationhouse, and called the situation “bullshit”. However, in his statement, § 87(2)(b) clarified that he did not have any issues with Det. Jones using profanity with him, and that Det. Jones was only telling the truth.

In his statement, Det. Jones denied using profanity with § 87(2)(b). He did admit to discussing § 87(2)(b)'s charges with him, and stated that § 87(2)(b) asked about his charges, and that he informed him that if he wanted to discuss them, he would need to do so with his arresting officer. However, when discussing his charges, Det. Jones did not make any of the aforementioned statements.

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

[Redacted]
[Redacted] [Redacted]
[Redacted]

§ 87(4-b), § 87(2)(g) [Redacted]
[Redacted]

[Redacted]
[Redacted]
[Redacted]
[Redacted]

[Redacted]
[Redacted]

[Redacted]
[Redacted].

§ 87(2)(g), § 87(4-b) [Redacted]
[Redacted]

[Redacted]
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[Redacted]
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[Redacted]
[Redacted]
[Redacted]

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
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